



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

1685 E Street, Fresno, California 93706
(559) 445-5116 • Fax (559) 445-5910
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

Linda S. Adams
Secretary for
Environmental Protection

9 December 2008

Mr. John Mackenzie
Facilities and Environmental Manager
The Vendo Company
P.O. Box 3688
Oakhurst, California 93644

CERTIFIED MAIL
7006 2760 0000 0653 7618

ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0624 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, THE VENDO COMPANY, GROUNDWATER REMEDIATION SYSTEM, FRESNO COUNTY

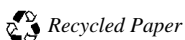
Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) section 13385, for violations of Waste Discharge Requirements (WDRs) Orders 99-012 and R5-2006-0016 (NPDES No. CA0083046) that have occurred at The Vendo Company's Groundwater Remediation System (GWRS) in Fresno County. The Complaint charges The Vendo Company with civil liability in the amount of **twenty-one thousand dollars (\$21,000)**, which represents the sum of accrued mandatory minimum penalties (MMPs) for effluent limitation violations that occurred during the period of 1 January 2000 through 31 July 2008.

Pursuant to CWC section 13323, The Vendo Company may:

- Pay the assessed civil liability and waive its right to a hearing before the Central Valley Water Board by signing the enclosed waiver (checking off the box next to item #4) and submitting it to this office by **9 January 2009**, along with payment for the full amount;
- Agree to enter into settlement discussions with the Central Valley Water Board and request that any hearing on the matter be delayed by signing the enclosed waiver (checking off the box next to item #5) and submitting it to this office by **9 January 2009**, along with a description of the issues to be discussed in settlement negotiations; or
- Contest the Complaint and/or enter into settlement discussions with the Central Valley Water Board without signing the enclosed waiver.

If The Vendo Company chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violation in the Complaint. This settlement will be considered final pending a 30-day period of public comment, during which time interested parties may comment on this action by submitting information to this office, attention Jeff Hannel. Should the Central Valley Water Board receive new information or comments during this comment period, the Central Valley Water Board's Assistant Executive Officer may withdraw the Complaint, return payment, and issue a new complaint.

California Environmental Protection Agency



If the Central Valley Water Board does not receive a signed waiver by **9 January 2009**, then a hearing will be scheduled for the **5/6 February 2009** Central Valley Water Board meeting in Rancho Cordova. If a hearing on this matter is held, the Central Valley Water Board will consider whether to issue, reject, or modify an Administrative Civil Liability Order based on the enclosed Complaint, or whether to refer the matter to the Attorney General for recovery of judicial civil liability. Modification of the proposed Administrative Civil Liability Order may include increasing the dollar amount of the assessed civil liability. Specific notice about this hearing and its procedures will be provided under separate cover.

Any comments or evidence concerning the enclosed Complaint must be submitted to this office, attention Jeff Hannel, **no later than 5 p.m. on 9 January 2009**. This includes material submitted by The Vendo Company to be considered at a hearing and material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement. If the Central Valley Water Board does not hold a hearing on the matter, and the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement. Written materials received after **5 p.m. on 9 January 2009** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party.

This Complaint has been entered in the California Integrated Water Quality System database as Regulatory Measure 355807.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Jeff Hannel at (559) 445-5548 or Jo Anne Kipps at (559) 445-5035.

LONNIE M. WASS
Supervising Engineer

Enclosure: ACL Complaint R5-2008-0624

cc w/encl: Ms. Pamela Creedon, Central Valley Water Board, Rancho Cordova
Mr. Kenneth Greenberg, USEPA, Region 9, San Francisco
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento
California Department of Fish and Game, Region 4, Fresno
Fresno County Department of Community Health, Fresno
Ms. Noelle Willbanks, BSK, Fresno